

LICENSING ACT 2003 GUIDANCE NOTES **MINOR VARIATIONS**

What is a minor variation?

Minor variations will generally fall into the following four categories:

- i) Minor changes to the structure or layout of a premises;
- ii) Small adjustments to licensing hours;
- iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and,
- iv) The addition of certain licensable activities.

However variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases.

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.

In making an application what do I need to produce?

An applicant must produce:

1. A completed application form;
2. A plan of the premises (if applicable to the minor variation), which must:
 - (a) be drawn to standard scale, unless we have confirmed in writing that the use of an alternative scale is acceptable;
 - (b) show the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - (c) show the location of points of access to and egress from the premises;
 - (d) show, if different from (c) above, the location of escape routes from the premises;
 - (e) in a case where the premises is to be used for more than one licensable activity, show the area within the premises used for each activity;
 - (f) show fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - (g) show, in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - (h) show, in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;

- (i) show, in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (j) show the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and,
- (k) show the location of a kitchen, if any, on the premises

The plan may include a legend through which the matters mentioned above are sufficiently illustrated by the use of symbols on the plan.

3. The appropriate fee of £89.00.
4. You must also submit the premises licence / club premises certificate (or the appropriate part of that licence / certificate), or if that is not practicable, a statement of the reasons for the failure to provide the licence / certificate (or part).

Do I need to advertise my minor variation application?

You will be required to advertise your application as follows:

1. By displaying prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway by the public for a period of not less than 10 working days (starting on the day after the day on which the application was served on us).

The Notice must be:

- (i) of a size equal or larger than A4;
- (ii) of a white colour; and,
- (iii) printed legibly in black ink, or typed in black, in a font of a size equal to or larger than 16 except in respect of those words at the top of the Notice: "Licensing Act 2003: Minor Variations Premises Licence" or "Licensing Act 2003: Minor Variations Club Premises Certificate" which shall be in a font of a size equal to or larger than 32.

Who do I serve the application on?

Licensing, Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, B98 8AH

What happens next?

In all cases the overall test for us will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.

Interested parties have a period of 10 working days to make relevant representations to us about the application (as opposed to 28 calendar days for a full variation or grant application). In making our decision we are required to consider any relevant representations received from interested parties within this time limit; however there is no provision for a hearing (as there is for a full variation or grant application).

With respect to responsible authorities, we are required to copy the application to those we consider appropriate in each case. However this obligation only applies if we are in any doubt about the impact of the minor variation on the licensing objectives. We are required to take into account any views expressed by the authorities we consult.

As with interested parties there is no right to a hearing to consider these views, but they will have a bearing on (and may even be decisive of) our view as to whether the changes proposed in the application amount to a “minor variation” of the licence or certificate.

As interested parties have 10 working days to make representations, we must therefore wait until this period has elapsed before determining the application. However we must inform an applicant of our decision to grant or reject the variation within, at the latest, 15 working days or the application is treated as refused and we must return the fee to the applicant.

Can I appeal against a decision to refuse my application?

There is no right of appeal. If the application is refused, an applicant may resubmit a revised application through the minor variations procedure or submit a full variation application.